

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC S. BOWKER,	:	CIVIL ACTION NO. 1:05-CV-0146
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MRS. GUYSER, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 25th day of April, 2005, upon consideration of the report of the magistrate judge (Doc. 10), recommending denial of plaintiff's application to proceed *in forma pauperis* because plaintiff had previously commenced three or more cases that were dismissed as frivolous or for failure to state a claim upon which relief may be granted, and of plaintiff's motion for recusal (Doc. 14), alleging bias on the part of the magistrate judge, see 28 U.S.C. § 144, and it appearing that several of the cases cited in the report of the magistrate judge either were commenced when plaintiff was not a prisoner or were commenced originally in state court, see id. § 1915(g) (precluding a prisoner from bringing an action *in forma pauperis* when he or she brought three or more actions "while a prisoner . . . in a court of the United States" that were "dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted"); see also id. § 451 (defining "court of the United States" as "any court created by Act of Congress the judges of which are entitled to hold office during good behavior"), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 10) is REJECTED. See 28 U.S.C. § 636; FED. R. CIV. P. 72; L.R. 72.3.
2. The application to proceed *in forma pauperis* (Doc. 2) is GRANTED. See 28 U.S.C. § 1915(a)(1).
3. The court will direct service of process by separate order. See 28 U.S.C. § 1915A (mandating preliminary screening).
4. The motion for recusal (Doc. 14) of the magistrate judge is DENIED as moot.¹

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ Considerations of judicial economy militate in favor of undersigned retaining primary responsibility for the above-captioned case. See 28 U.S.C. § 636. This decision should not be construed as a validation of the allegations of bias included in the motion for recusal, which the court still views as a “malicious attack on a respected judicial officer of this district.” Bowker v. United States, No. 1:04-1999, slip op. at 2 (M.D. Pa. Mar. 23, 2005) (dismissing complaint against the magistrate judge).